

REMARKS

Claims 1-5 are all the claims pending in the present application, claims 6-9 having been canceled as indicated herein. Applicant thanks the Examiner for indicating that claims 3-5 are allowed. Claim 1 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Traxler et al. (U.S. Patent No. 5,720,160) in view of Muszynski (U.S. Patent No. 5,814,908). Claim 2 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Traxler et al. in view of Muszynski and further in view of Millman (U.S. Patent No. 3,690,317).

§103(a) Rejection (Traxler / Muszynski) – Claim 1

Claim 1 is rejected based on the reasons set forth on pages 2-3 of the present Office Action. Applicant traverses this rejection at least based on the following reasons.

With respect to claim 1, Applicant submits that the applied references, either alone or in combination, do not disclose or suggest at least, “electromagnets that are arranged around said rotary member via a small gap,” as recited in claim 1. In the Office Action, the Examiner fails to even identify any portion of the applied references that satisfy the above-quoted feature. Further, Applicant’s independent review of the applied references, Applicant did not find any discussion of electromagnets that are arranged around said rotary member via a small gap.

Further, Applicant submits that the applied references do not disclose or suggest at least, “cooling wind producing means for producing cooling wind of a low temperature with using a driving force of said rotary member,” as recited in claim 1. The Examiner acknowledges that the primary reference of Traxler does not disclose the above-quoted feature, however the Examiner believes that Muszynski discloses this feature. The claimed cooling wind producing means constitutes the magnetic bearing apparatus; the claimed rotary member also constitutes the magnetic bearing apparatus. As indicated in the above-quoted feature, a driving force of the

rotary member (which constitutes the magnetic bearing apparatus) is used to produce cooling wind of a low temperature. Muszynski is directed to a separate apparatus for providing ventilating air into a housing of a separate and different electric machine. Although Muszynski does discuss a rotary member, said rotary member of Muszynski does not constitute a magnetic bearing apparatus, as the apparatus of Muszynski is an entirely separate mechanism for providing ventilating air into a housing of another machine. Combining Muszynski with Traxler would simply produce a magnetic bearing apparatus with a separate apparatus for providing ventilation to said magnetic bearing apparatus. Therefore, clearly the production of cooling wind would not be based on a driving force of a rotary member that constitutes a magnetic bearing apparatus (but, instead would be based on the rotary member of a separate apparatus). At least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over the applied references, either alone or in combination.

§103(a) Rejection (Traxler /Muszynski / Millman) – Claim 2

Claim 2 is rejected based on the reasons set forth on pages 3-4 of the Office Action. Applicant traverses this rejection at least based on the following reasons.

First, Applicant submits that claim 2 is patentable at least by virtue of its dependency from independent claim 1. Millman does not make up for the deficiencies of the other applied references.

Further, Applicant submits that one of ordinary skill in the art would not have been led to combine Millman with either Traxler or Muszynski at least because Millman is directed to a totally different technology area than that of the other applied references. Millman is directed to a medical device, specifically a sonic nebulizer. A nebulizer is a device used to administer medication to people in forms of a mist. The nebulizer as discussed in Millman is a specialized

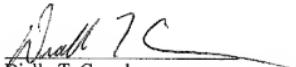
device in the medical field. Because the technology area of a nebulizer is so specialized and it involves techniques that can involve the life and death of the individuals using the nebulizer, one of ordinary skill in the art would not simply combine the technology of the nebulizer with other inventions that do not involve the techniques specific to nebulization.

Therefore, at least based on the foregoing, Applicant submits that claim 2 is patentably distinguishable over the applied references, either alone or in combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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23373
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Date: February 8, 2007